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9 **BEFORE THE**
BOARD OF REGISTERED NURSING
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. **2013-725**

13 **ANNI PETERS RODRIGUEZ**
14 **AKA ANNI PETERS MCCLAUGHLIN**
15 **15 Lewis Drive**
Glen Rock, PA 17327

A C C U S A T I O N

16 **Registered Nurse License No. 458399**
17 **Nurse Midwife Certificate No. 1205**
18 **Nurse Midwife Furnishing Certificate No. 1205**

Respondent.

19
20 Complainant alleges:

21 **PARTIES**

22 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her
23 official capacity as the Executive Officer of the Board of Registered Nursing, Department of
24 Consumer Affairs.

25 2. On August 31, 1990, the Board of Registered Nursing issued Registered Nurse
26 License Number 458399 to Anni Peters Rodriguez, also known as Anni Peters McLaughlin
27 (Respondent). The Registered Nurse License was in full force and effect at all times relevant to
28 the charges brought herein and will expire on July 31, 2014, unless renewed.

3. On November 20, 1996, the Board of Registered Nursing issued Nurse Midwife Certificate Number 1205 to Respondent. The Nurse Midwife Certificate was in full force and effect at all times relevant to the charges brought herein and will expire on July 31, 2014, unless renewed.

4. On September 17, 1997, the Board of Registered Nursing issued Nurse Midwife Furnishing Certificate Number 1205 to Respondent. The Nurse Midwife Furnishing Certificate was in full force and effect at all times relevant to the charges brought herein and will expire on July 31, 2014, unless renewed.

JURISDICTION

5. This Accusation is brought before the Board, under the authority of the following laws. All section references are to the Business and Professions Code (Code) unless otherwise indicated.

6. Section 2750 of the Code provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.

7. Section 2764 of the Code provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license. Under section 2811, subdivision (b) of the Code, the Board may renew an expired license at any time.

STATUTORY PROVISIONS

8. Section 2761 of the Code states:

The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

(a) Unprofessional conduct, which includes, but is not limited to, the following:

• • • •

(4) Denial of licensure, revocation, suspension, restriction, or any other disciplinary action against a health care professional license or certificate by another state or territory of the United States, by any other government agency, or by another California health care professional licensing board. A certified copy of the decision or judgment shall be conclusive evidence of that action.

• • • •

1 **COST RECOVERY**

2 9. Section 125.3 of the Code provides, in pertinent part, that the Board may request
3 the administrative law judge to direct a licentiate found to have committed a violation or
4 violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation
5 and enforcement of the case, with failure of the licentiate to comply subjecting the license to not
6 being renewed or reinstated. If a case settles, recovery of investigation and enforcement costs
7 may be included in a stipulated settlement.

8 **CAUSE FOR DISCIPLINE**

9 **(Out of State Discipline)**

10 10. Respondent has subjected her Registered Nurse License, Registered Nurse
11 Midwife Certification, and Certified Nurse Midwife Furnishing Certificate to disciplinary action
12 under Code section 2761, subdivision (a)(4), in that her license to practice registered nursing and
13 as a certified registered nurse midwife in Maryland was disciplined by the State of Maryland
14 Board of Nursing (Maryland Board) in a disciplinary action. The circumstances are as follows:

15 11. On May 31, 2011, Respondent was issued Registered Nursing License number
16 R195500 to engage in the practice of registered nursing in the State of Maryland. The Registered
17 Nurse License expired on June 28, 2012.

18 12. On October 28, 2011, Respondent was issued Certified Registered Nurse Midwife
19 certification to engage in the practice as a certified registered nurse midwife in the State of
20 Maryland. The Certified Nurse Midwife Certificate expired on June 28, 2012.

21 13. On March 14, 2012, the Maryland Board issued an Order in a matter entitled, *In*
22 *the Matter of Anni Peters McLaughlin, License Number: R195500*, summarily suspending
23 Respondent's professional nurse license number R195500 to practice registered nursing and as a
24 certified registered nurse midwife in the State of Maryland. The Maryland Board voted to charge
25 Respondent with violations of the Maryland Nurse Practice Act (Act), Maryland Code
26 Annotated, and Health Occupations Article, sections 8-101 *et. seq.* and found her practice a
27 danger to the public health, safety, and welfare, which required emergency action, pursuant to
28 Act section 10-226, subdivision (c)(2).

14. The facts that led to the discipline are that on October 26, 2011, the Maryland Board received a complaint from the Chair of the Baltimore County Child Fatality Review Team regarding Respondent's practice as a Certified Registered Nurse Midwife (CRNM), without a Maryland CRNM certification and without a Collaborative Plan¹. The complaint advised that on September 25, 2011, Respondent was the attendant at delivery of an infant born at home alive that died of birth asphyxia, a preventable death. At the time of the child's delivery, Respondent was a nurse midwife with certification in California, but only a registered nurse license in Maryland. Respondent practiced as a CRNM in the State of Maryland before being authorized to do so by the Maryland Board and practiced without an approved Collaborative Plan. Prior to receiving CRNM certification and having an approved Collaborative Plan, Respondent attended two homebirths, including that of the baby who died. After receiving CRNM certification in Maryland, Respondent attended four additional homebirths without an approved Collaborative Plan.

PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

1. Revoking or suspending Registered Nurse License Number 458399, issued to Anni Peters Rodriguez, also known as Anni Peters McLaughlin;
2. Revoking or suspending Nurse Midwife Certificate Number 1205, issued to Anni Peters Rodriguez, also known as Anni Peters McLaughlin;
3. Revoking or suspending Nurse Midwife Furnishing Certificate Number 1205, issued to Anni Peters Rodriguez, also known as Anni Peters McLaughlin;

¹ Under the Code of Maryland Regulations (COMAR) 10.27.05.01 (6) “Collaborative Plan” is defined as: the development and implementation of a plan: (a) For consultation and collaboration with and referral to a physician and other health care providers to address complications:

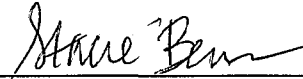
- (i) During a pregnancy; and
- (ii) Beyond the educational preparation and scope of practice of the certified nurse midwife that require the consultation or attendance of a physician or other health care provider; and

(b) That includes an assurance that a client can be transferred, whenever required, to the care of a physician with admitting privileges to a facility with an OB/GYN unit located in the client’s geographic area.

1 4. Ordering Anni Peters Rodriguez to pay the Board of Registered Nursing the
2 reasonable costs of the investigation and enforcement of this case, pursuant to Business and
3 Professions Code section 125.3;

4 5. Taking such other and further action as deemed necessary and proper.
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8 DATED: MARCH 9, 2013


9 *for* LOUISE R. BAILEY, M.ED., RN
10 Executive Officer
11 Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

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